Picus v. Wal-Mart Stores, Inc. et al Doc. 13

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARGARET PICUS, an individual; on behalf of herself, and on behalf of others similarly situated, Plaintiffs, vs. WAL-MART STORES, INC.; MENU FOODS INC; DEL MONTE FOODS COMPANY; SUNSHINE MILLS, INC.; CHEMNUTRA, INC.; and DOES 1 through 100, inclusive, Defendants.	Case No.: CV-S-00682-PMP-LRL **[PROPOSED] ORDER GRANTING DEL MONTE FOODS COMPANY'S PARTIAL MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED** **(ORAL ARGUMENT REQUESTED)** **[FED.R.CIV.P. 12(B)(6)]** Complaint filed: April 30, 2007 Removal date: May 25, 2007

Defendant Del Monte Foods Company's Motion to Dismiss pursuant to Fed.R.Civ.P. 12(b)(6) came on for hearing on _________, 2007 before the Honorable Philip M. Pro, United States District Court Judge. Appearances were made by Del Monte Foods Company and on behalf of the Plaintiff, Margaret Picus.

The Court, having read and considered the parties' papers and having heard oral arguments of counsel, good cause having been shown, finds that Plaintiff has failed to state a claim upon which relief can be granted in the following Counts of her Complaint:

1. First Claim for Relief alleging violations of and seeking remedies under the Federal Trade Commission Act and regulations;

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2. Third Claim for Relief alleging unjust enrichment;

3. First Claim for Relief alleging violations of the Deceptive Trade Practice Acts of the State of California, the State of Arkansas, the State of Alabama and the State of Delaware;

The Court further finds that Plaintiff is not entitled to the remedies of restitution, disgorgement or injunctive relief.

IT IS THEREFORE ORDERED that Del Monte Foods Company's Motion to Dismiss is GRANTED and the aforementioned claims for relief and the aforementioned remedies are hereby dismissed from the complaint.

Dated:________________________

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United States District Court Judge

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